

REMARKS/ARGUMENTS

On March 31, 2004, the Board of Patent Appeals and Interferences ("the Board") issued a decision affirming the Examiner's rejection of pending independent claim 1, and dependent claims 2 and 7 through 14. The Board also noted that because the rejection of dependent claim 15, which was the only remaining active claim, had been withdrawn, claim 15 was not rejected.

On August 12, 2004, the Examiner issued the above-noted Office action, in which the Examiner cancelled claims 1, 2 and 7 through 14, and required placing dependent claim 15 in independent form.

Accordingly, applicants have rewritten claim 15 to incorporate therein the substance of independent claim 1, from which claim 15 depended.

The Examiner relied on MPEP § 1214.06 to support the cancellation of claims 1, 2 and 7 through 14. MPEP § 1214.06 I. (B) (2) provides that the Examiner is to set a one-month time limit in which appellant may rewrite the dependent claim(s) in independent form. More particularly, this MPEP section further provides that, "If no timely reply is received, the examiner will cancel all rejected and objected to claims and issue the application with the allowed claims only."

Applicants submit that claims 2 and 7 through 14 would have been allowable if amended to depend from rewritten independent claim 15. In view of the premature cancellation of claims 2 and 7 through 14, applicants do not have the opportunity to amend these claims. Therefore, applicants introduce new claims 16 through 24, which correspond directly to claims 2 and 7 through 14, all of which depend directly or indirectly from rewritten independent claim 15.

Applicants submit that, for the reasons that rewritten independent claim 15 distinguishes over the prior art, new claims 16 through 24 also distinguish over the prior art, and hereby requests the allowance of claims 15 through 24.

Appl. No. 09/187,358
Amdt. dated September 7, 2004
Response to Office action dated August 12, 2004

Applicants submit that this application is in condition for allowance, and hereby solicits such allowance.

If the Examiner wishes to discuss this response paper, or any aspects of this application, the Examiner should call applicant's representative, J. Bruce Hoofnagle, at 410 442-2417.

Respectfully submitted,

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